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Security Council

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S/1996/877
25 October 1996

ORIGINAL: ENGLISH

LETTER DATED 24 OCTOBER 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF UZBEKISTAN TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of a statement by the Ministry of Foreign Affairs of the Republic of Uzbekistan dated 23 October 1996 on the adoption of Security Council resolution S/RES/1076 (1996) of 22 October 1996.

I would be grateful if you would have the text of this statement circulated as a document of the Security Council.

(Signed) Alisher VOHIDOV
Chargé d'affaires a.i.

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Annex

Statement dated 23 October 1996 by the Ministry of Foreign Affairs of the Republic of Uzbekistan

The Ministry of Foreign Affairs notes with satisfaction and appreciation the adoption of a special resolution on Afghanistan by the Security Council on 22 October 1996. This is evidence of a serious concern of the United Nations and Security Council about the escalation of the military hostilities in Afghanistan and the threat that the continuation of the armed conflict might have.

The further escalation of the military hostilities may have unpredictable consequences and threaten the security of all countries located in this region and all over the world.

The Ministry of Foreign Affairs expresses its great satisfaction with the fact that the position and proposals of Uzbekistan and of other States concerned about settlement of the Afghan tragedy have been reflected in the resolution.

Previously, the Republic of Uzbekistan has repeatedly expressed its position regarding the ways of a peaceful settlement of the conflict in Afghanistan, which consists of the following:

(1) The immediate cessation of military hostilities.

(2) Resolution of the problem exclusively through political means, by way of a peaceful dialogue with the participation of all political, regional, religious and ethnic groups.

(3) Conducting the negotiation process under United Nations auspices with the participation of the Organization of the Islamic Conference.

(4) Ensuring the territorial integrity of Afghanistan.

(5) Non-interference in the internal affairs of Afghanistan.

(6) Imposing an embargo for arms deliveries to the conflict area.

The Ministry of Foreign Affairs of Uzbekistan states that the Government of Uzbekistan is ready to undertake all efforts aimed at the realization of the Security Council's decision, on the immediate cessation of the military hostilities in this country, and the maintenance of peace and stability in the long-suffering Afghan soil.

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S/1996/878
25 October 1996

ORIGINAL: ENGLISH

LETTER DATED 24 OCTOBER 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my letter of 14 October 1996 on the developments in eastern Zaire. I regret to inform the Council that since then the situation has further deteriorated.

During the past week, military activity within and it seems across borders has escalated. The result is that the humanitarian situation has further worsened.

An estimated 300,000 people are on the move in the Uvira and Bukavu regions of Zaire, bordering Rwanda and Burundi, in face of intensified fighting between Zairean troops and armed Banyamulenge. Those on the move include the 220,000 refugees - 143,000 from Burundi and 75,000 from Rwanda - who over the weekend of 19-20 October fled 12 camps scattered along a 75 km stretch of road between Uvira and Bukavu. About 60,000 of them are reported to have gone to Bukavu, along with 10,000 Zaireans displaced as a result of the same conflict. Fighting has prevented refugees in eight camps in the Uvira region from proceeding to Bukavu. They are mainly Burundi refugees who are believed to be in the surrounding hills. In the Bukavu area, Rwandan refugees fearing an imminent attack by the Banyamulenge have abandoned at least three camps. UNHCR is directing the new arrivals from Uvira to camps south-west of Bukavu, further from the border. At the same time, tens of thousands of people were seen walking towards these camps from the eastern side of Bukavu today.

On 17 October 1996, I dispatched my Special Envoy, Mr. Ibrahima Fall, to Kinshasa to assess the situation and consider what action the United Nations could take to defuse tension in eastern Zaire. On 22 October, the High Commissioner for Refugees, Mrs. Sadako Ogata, appealed to all sides to halt the violence immediately and avoid another humanitarian disaster in a region that had already suffered enough. The High Commissioner also expressed concern for the safety of humanitarian staff who had been unable to carry out their work because of the fighting. Following an intervention from both the UNHCR and my Special Envoy, arrangements were made for evacuation later that day of the remaining 58 international staff of UNHCR, other United Nations agencies and NGOs.

The same day, the Rwandan Government urged the refugees to come back to Rwanda and reaffirmed its assurances that they could return in safety and dignity. Concerned about the dramatic humanitarian situation in eastern Zaire and encouraged by this statement by the Rwandan authorities, the High Commissioner is transmitting a message through the local media, reassuring the refugees that, while UNHCR would try to do everything possible to assist them where they are, the Office would be ready to help them back in Rwanda and had for that purpose increased its reception and assistance capacities inside Rwanda.

Over the last several days, I have been in contact with the parties and interested Governments urging restraint and a cessation of hostilities that would allow time and space for the necessary political dialogue.

The failure to address the root causes of the conflicts in the region of the Great Lakes, in political and economic as well as security terms, has once again unleashed a spiral of violence and human suffering that may spin out of control unless urgent measures are taken immediately to contain the situation.

I should be grateful if you would bring the contents of this letter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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S/1996/879
25 October 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 58
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-first year

Letter dated 24 October 1996 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 24 October 1996, addressed to you by His Excellency Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

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ANNEX

Letter dated 24 October 1996 from Mr. Osman Ertuğ addressed to the Secretary-General

Upon instructions from my Government, I have the honour to respond to the letter dated 14 October 1996 addressed to you by the Greek Cypriot Representative at the United Nations in connection with the recent border incident in Cyprus (A/51/498-S/1996/851 dated 15 October 1996).

The said letter is a typical example of the blatant distortion of facts and reckless exploitation of unfortunate events by the Greek Cypriot side for political purposes. The true facts pertaining to this incident, which happened behind our ceasefire lines in Turkish Cypriot territory, is as follows:

At approximately 0735 hours local time on 13 October 1996, a Greek Cypriot wearing civilian clothes violated our borders and entered 200 metres into the territory of the Turkish Republic of Northern Cyprus west of Güvercinlik village, which had previously been the scene of a deadly Greek commando attack on one of our sentry posts, resulting in the murder of a Turkish Cypriot soldier and the serious wounding of another. Hence, the tension in the area was naturally very high.

The Greek Cypriot in question continued his advance within our territory despite three verbal warnings made by our sentry in the area. There was also an attempt on the part of our sentry to apprehend the Greek Cypriot in question, who did not heed the verbal warnings to stop, but the latter managed to escape. Upon this, our sentry fired three shots in the air to warn him to stop. As he failed to do so he was fired upon and was hit.

A subsequent autopsy carried out by our authorities, in the presence of military and medical officers from the United Nations Peacekeeping Force in Cyprus (UNFICYP), revealed that the deceased was hit by two bullets, one of which fatally wounded him. Both shots were fired from a distance of approximately 50 metres, and, contrary to what the Greek Cypriot side claims, there was absolutely no shot fired at him at close range after he fell on the ground. During the autopsy, a commando knife and a metal string which is commonly used for strangulation were found in the boots of the deceased, which suggests that his intentions in entering a highly restricted military area may not have been as innocent as the Greek Cypriot side would have one believe. Information that the aforesaid was a member of the Greek Cypriot militia reinforces suspicions in that regard. The claim that he had entered the area "to collect snails" is not convincing, since there is ample space in South Cyprus for such activity. In any event, there was clearly no means for the Turkish Cypriot sentries to know the intruder's intentions.

Meanwhile, in his first statement to the Greek Cypriot broadcasting corporation about the incident, the son-in-law of the deceased, who is alleged by the Greek Cypriot side to have been an "eyewitness" to the incident, stated: "I told him that it was a prohibited area and that we should not enter it, but he did not listen to me and went into it without heeding the warnings." There

was, therefore, no possibility that the deceased was not aware of the danger involved in violating a military restricted area, particularly in view of the prevailing tension.

As for the attempt to accuse or implicate the Turkish Forces in the incident, I wish to remind all concerned that, as UNFICYP is also fully aware, the area is under the control of the Turkish Cypriot Security Forces. The Greek Cypriot representative's slanderous accusations against Turkey in this regard are clearly politically motivated and are so base as to merit no detailed reply. Suffice it to say that Turkey is in Northern Cyprus in order to prevent yet another Greek invasion of Cyprus, as was the case between 1963 and 1974, and the repetition of the crimes committed by the Greek Cypriots, in collaboration with Greece, against the Turkish Cypriot people. The recent incidents, if they prove anything, demonstrate the other side's determination to pursue a policy of escalation and tension on the island, with a view to exploiting it against Turkey and the Turkish Cypriot side, regardless of its human cost to both sides.

In closing, I would like to reiterate our call for direct dialogue as a means of reducing tension and preventing the recurrence of such unfortunate incidents. I would also like to express the hope that the Greek Cypriot side will abandon its counterproductive and adventurist policy of escalating the tension and come to the negotiating table without further delay.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of
Northern Cyprus

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S/1996/880
25 October 1996

ORIGINAL: ENGLISH

LETTER DATED 24 OCTOBER 1996 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 24 October 1996, which I have received from the Secretary-General of the North Atlantic Treaty Organization.

I would appreciate your bringing this to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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Annex

Letter dated 24 October 1996 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with United Nations Security Council resolution 1031, I attach the eleventh report on Implementation Force (IFOR) operations. I would appreciate your making this report available to the Security Council.

There have been some signs of progress in the implementation of the Peace Agreement in Bosnia over the period following the elections there on 14 September. However, distrust and tensions between all Parties remain, as demonstrated by the difficulties in establishing the common institutions and by the confrontations which have taken place in various villages in the Zone of Separation, with refugees returning to take possession of their former homes. Clearly, the international community still faces many challenges in its efforts to bring lasting peace to the region. IFOR will continue to work closely with the Office of the High Representative and the other civil organizations in meeting this challenge. At the same time, IFOR will continue to fulfil its primary mission of ensuring compliance with the military aspects of the Peace Agreement.

As you will be aware, the Organization for Security and Cooperation in Europe (OSCE) announced on 22 October the decision to defer the municipal elections in Bosnia until 1997. The implications of this decision for IFOR drawdown are currently under review by the NATO Military Authorities. I should, however, like to assure you that its overall capability will be retained until December, when its mandate comes to an end. Options for supporting a secure environment necessary for the consolidation of the peace in Bosnia after 1996 are currently under study.

(Signed) Javier SOLANA

Appendix

Eleventh Report to the United Nations Security Council on IFOR Operations

IFOR Operations

1. The multinational implementation force (IFOR) currently comprises approximately 53,000 personnel deployed in Bosnia and Herzegovina and Croatia from all the NATO nations and 17 non-NATO troop contributors. As authorized by the North Atlantic Council on 18th September, in order to prepare for the execution of the last phase of IFOR's mission, a new Headquarters, based on HQ LANDCENT, began deployment into Bosnia and Herzegovina on 1st October, to replace Headquarters AFSOUTH and Headquarters Allied Rapid Reaction Force. IFOR's overall capability will be retained until December, when the IFOR mandate comes to an end.

2. IFOR air assets continue to provide the capability required to secure the air space, defend and support IFOR ground forces, provide support to civilian agencies within mission capabilities, and monitor compliance with the Peace Agreement. IFOR maritime assets also remain deployed in support of the operation. On 2nd October, however, following the termination of sanctions against the Federal Republic of Yugoslavia, and in accordance with the decisions taken by the North Atlantic Council and by the Council of the Western European Union, the order was given to terminate Operation SHARP GUARD.

3. IFOR has continued to fulfil its primary task of implementing the military tasks of the Peace Agreement, and maintains a continuous programme to patrol and inspect cantonment sites and to confiscate and destroy unauthorized weapons. Subject to the fulfilment of this primary task, IFOR has continued to provide support to the Organization for Security and Cooperation in Europe (OSCE) and to the other civilian organizations in the wake of the 14th September national elections.

4. Continuing support has been provided to the United Nations Transitional Authority in Eastern Slavonia (UNTAES) throughout the reporting period, with IFOR maintaining its regular, coordinated close air support training missions over Eastern Slavonia.

Cooperation and Compliance by the Parties

5. The Parties remain in general compliance with the military aspects of the Peace Agreement. The movement and storage of air defence and heavy weapons by the Parties is complete, and the majority of incidents of non-compliance over the reporting period have involved the confiscation of small arms.

6. In the month following the national elections, it is clear that divisions in the country still run deep, as evidenced by the Bosnian Serb boycott of the new multi-ethnic parliament on 5th October and the raising of the "Herceg/Bosna"/Croat flag at a bridge opening ceremony in Mostar on 4th October. Civilian Freedom of Movement (FOM) and Freedom of Return (FOR) continue to give

rise for concern, with instances of ethnic harassment between all three factions. During the reporting period there have been confrontations in Jusici and other villages in the Zone of Separation around Zvornik, between Bosnian Serbs and Bosniac refugees, some of whom were armed, attempting to resettle in their former homes. The Office of the High Representative (OHR) and the International Police Task Force (IPTF), with IFOR support, have now established procedures for the peaceful, phased and orderly return of displaced persons and refugees to their homes in the Zone of Separation, based on the relevant provision of Annexes I A and 7 of the Peace Agreement.

7. In an effort to improve FOM and FOR, the North Atlantic Council, on 9th October, encouraged nations to address the feasibility of donating to the Government of Bosnia and Herzegovina their temporary, installed bridges. In addition, as a contribution towards improving reconciliation in the country, consideration is being given to the holding of confidence-building courses at the NATO (SHAPE) School in Oberammergau for selected military personnel from the forces of all parties in Bosnia and Herzegovina. Within the limits of its primary missions, IFOR will also actively continue its work with the Human Rights Coordination Centre in Sarajevo to improve the human rights monitoring system.

Cooperation with the High Representative, the OSCE and other International Organizations

8. IFOR's close cooperation with the OSCE, the OHR, and the IPTF proved crucial in ensuring the peaceful conduct of the Bosnian national elections in September. This cooperation will continue.

9. IFOR will continue to work with the OSCE in accordance with the provisions of the Article IV Agreement on Sub-Regional Arms Control. To that end, and in an effort to assist the OSCE in its identification of overall reduction requirements, IFOR will continue to share relevant information with the OSCE on a regular basis. Subject to the judgements of the commanders on the ground and within the limits of its primary mission, assigned principal tasks and available resources, IFOR will also consider requests for support to the OSCE in such fields as: the provision of engineering assets in theatre to support the construction of arms reduction sites, and the transport of heavy weapons to those sites. IFOR will also be ready to consider other requests by the OSCE for assistance with Article IV implementation.

10. IFOR will continue to provide assistance to the OHR in its efforts to develop the common institutions of the Presidency, Parliamentary Assembly, Council of Ministers, Constitutional Court, Central Bank and the supporting constitutional framework. The provision of experts, of transport and communications support, and of support for short-term rehabilitation and construction projects will continue.

11. In Mostar, the IFOR presence was increased to deter potential disturbances during the transfer of police responsibilities from the WEU to the IPTF-monitored Federation Police Force, beginning on 15th October.

12. IFOR continues to support the International Criminal Tribunal for the Former Yugoslavia (ICTY) through carrying out aerial and ground surveillance of alleged mass grave sites to which ICTY has given priority status. IFOR will continue to provide security and logistical support to ICTY teams investigating alleged mass grave sites in Bosnia-Herzegovina, as occurred from early July until the end of September in support of ICTY teams carrying out exhumations at several mass grave sites in the Srebrenica area.

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S/1996/881
28 October 1996

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LETTER DATED 23 OCTOBER 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the composition of the United Nations Observer Mission in Liberia (UNOMIL).

Having completed the necessary consultations, I propose that Nepal and Zimbabwe be added to the list of Member States providing military observers to UNOMIL.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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S/1996/882
28 October 1996

ORIGINAL: ENGLISH

LETTER DATED 28 OCTOBER 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 23 October 1996 (S/1996/881) concerning additions to the list of Member States providing military observers to the United Nations Observer Mission in Liberia (UNOMIL) has been brought to the attention of the members of the Council.

They agree with the proposal contained in the letter.

(Signed) Gerardo MARTÍNEZ BLANCO
President of the Security Council

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S/1996/883
26 October 1996

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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS TRANSITIONAL ADMINISTRATION FOR EASTERN SLAVONIA, BARANJA AND WESTERN SIRMIUM

I. INTRODUCTION

1. The present report is submitted pursuant to paragraphs 4 and 9 of Security Council resolution 1037 (1996) of 15 January 1996. It summarizes the major activities of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) in the region of Eastern Slavonia, Baranja and Western Sirmium (hereafter referred to as the region) since my last report of 1 October 1996 (S/1996/821), identifies the present challenges and future tasks of the mission and contains my recommendations.

II. POLITICAL ASPECTS

2. In my previous report to the Council, I noted that, for further progress to be made, the parties must improve their level of cooperation with UNTAES and take positive steps to foster a constructive atmosphere (ibid., para. 16). I regret that I am not in a position to report an improvement in the level of cooperation of the Government of Croatia with UNTAES. On 27 September, the House of Representatives of the Croatian Parliament unanimously adopted a non-binding resolution calling for the termination of the mandate of UNTAES on 15 January 1997 and for elections to be held in the region by 15 December 1996. While Croatian officials have expressed support for UNTAES in private meetings and made conciliatory statements to local Serb leaders, the resolution was not opposed by the Government of Croatia nor did the Government explain the commitments it undertook when it signed the Basic Agreement of 12 November 1995 (A/50/757-S/1995/951, annex). Throughout October there have been increasingly hostile and aggressive statements against UNTAES in the media, and by the Government, including statements by the Croatian Minister of Defence threatening military action if the region is not returned by April 1997. Further instances of non-cooperation by the Croatian authorities included last-minute withdrawal from joint Serb-Croat demining training organized and financed by the United States Demining Coordination Centre in Sarajevo, and prohibition of Croatian

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participation in the UNTAES market day on 12 October on unsubstantiated grounds of a threat to public health. As a result, apprehension and anxiety among Serb residents in the region has increased, further strengthening hardline Serb elements.

3. On 7 October, as part of regular consultations, the Transitional Administrator met with President Slobodan Milošević, who expressed full support for UNTAES, undertook to meet with local hardline Serb leaders to urge them to cooperate with UNTAES and stated his wish to see an extension of the mandate for an additional year. President Milošević indicated that local Serb leaders had been advised that the Serb population should apply for Croatian documents and seek benefits, such as pensions and other allowances, from the Government of Croatia. President Milošević also held out the prospect of Yugoslav citizenship to Serbs who acquire Croatian citizenship, should they decide to leave the region during the next three years following the normalization of relations between the Federal Republic of Yugoslavia and Croatia. While this is helpful in strengthening the position of moderate Serb leaders, hardliners have nonetheless continued to block progress in areas under their control, particularly in parts of the Baranja.

4. On 8 October, the Transitional Administrator met with President Tudjman and key members of the Government of Croatia to seek full cooperation in fulfilling its obligations and commitments. The Transitional Administrator outlined his serious concerns about the confrontational atmosphere that had been developing and criticized the orchestrated attack on UNTAES in the Croatian media, which appeared to be related to domestic political factors and not to the activities of UNTAES on the ground. The President promised full cooperation with UNTAES to enable speedy completion of its tasks and indicated that he was prepared to make significant conciliatory gestures towards Serbs in the region.

5. President Tudjman sought the Transitional Administrator's support for the holding of elections in December 1996 and for the termination of the UNTAES mandate 30 days thereafter. The Transitional Administrator emphasized that decisions concerning the duration and nature of the UNTAES mandate lay with the Security Council based on recommendations from the Secretary-General. He said the completion of UNTAES tasks depended on the extent of the cooperation received from the parties, which had recently been lacking from the Croatian side in important areas. As a statement of operational intent, and in keeping with the responsibilities entrusted to him, the Transitional Administrator stated that he had the goal of completing the principal tasks of the UNTAES mandate by early spring 1997, while progressively returning the region to Croatian control with a completion date no later than the early part of summer. This statement of operational intent was, regrettably, misrepresented in the Croatian media.

III. MILITARY ASPECTS

6. The military situation outside the region continues to be calm and stable. Activity by the armed forces of Croatia and the Federal Republic of Yugoslavia is limited to routine training. On 9 October, however, there was a potentially dangerous development, when the Yugoslav Army deployed several tanks in the

immediate vicinity of the border with Croatia east of Lipovac. According to the Yugoslav military authorities, the presence of the tanks was part of a normal autumn training exercise. The unannounced military deployment so close to the international border could have provoked similar action by the Croatian military, which in turn would have led to an increase in tension and affected mutual confidence. The tanks were promptly withdrawn after a protest by UNTAES.

7. The military situation within the region has remained quiet. The number of incidents of undisciplined fire with small arms, mostly in urban areas, has been low. The UNTAES military presence has continued to contribute to the maintenance of peace and security and provide confidence to the local population. Its activities have included continued monitoring to ensure the region remains demilitarized, supervision of demining, close air support training in cooperation with the Implementation Force (IFOR) and humanitarian assistance. On 2 October, a weapons buy-back programme was launched in cooperation with the Croatian authorities. During the first three weeks, over 6,000 rifles, automatic weapons, hand and rifle grenades, and portable anti-tank rocket launchers, as well as some 56,000 rounds of ammunition of various calibres, were exchanged for cash provided by the Government of Croatia. However, it is believed that considerable numbers of small weapons remain in private hands.

IV. CIVILIAN ASPECTS

8. Substantial progress has been recorded in the Joint Implementation Committees. On 16 October, after two months of difficult negotiations in the Joint Implementation Committee on Agriculture, representatives of the two sides signed a memorandum of understanding on Croatian Government financing of approximately $3.7 million for autumn season planting in the region and the reintegration of the agricultural holding companies. The purpose of the memorandum of understanding is to encourage the commencement of efficient and viable economic activity in agriculture between the region and the rest of Croatia by making available agricultural inputs and financing from Croatia and opening the Croatian market to produce from the region. The reintegration of the large public agricultural holding companies, which account for the majority of employment in the region, is expected to improve the prospects for employment of those remaining in and returning to the region. Reintegration of the companies is expected to be completed by 15 April 1997.

9. In the Joint Implementation Committee on Public Services and Utilities, both sides have agreed that the local Serb telecommunications and postal services will be reintegrated into the Croatian national components, with the Croatian side providing guarantees of continued employment for local Serb employees. Similar progress has been achieved on railways, while negotiations are continuing on the reintegration of the regional electricity company into the national company. Preliminary discussions are under way in the Joint Implementation Committee on Human Rights with a view to establishing a mechanism for the redress of individual cases of human rights violations.

10. The UNTAES Croatian document centres have continued to operate at five locations in the region despite some obstacles imposed by hardline local Serb

politicians, especially in the municipality of Beli Manastir in the Baranja. Although by 20 October over 15,000 residents of the region had applied for Croatian documents, a sizeable gap persists between presentation of applications and issuing of documents. The Government of Croatia has indicated that it will substantially increase the rate at which these documents are issued. It has also provided a mobile document centre that tours village-by-village as conditions permit.

11. Together with the Office of the United Nations High Commissioner for Refugees (UNHCR), the Civil Affairs Division has continued to facilitate returns of some 80 displaced persons to Western Slavonia from the region. Regrettably, these returns continue to be isolated cases. Local apprehension about returns elsewhere in Croatia has increased as a result of the continuing incidence of bombings, lootings, intimidation and murder of Serbs in former Sectors North and South. UNTAES also facilitated the return of two Croat displaced persons to their villages in the region. On 13 October, UNTAES conducted a visit by 20 refugees living in Hungary to their village of Kopacevo in the Baranja. Reconstruction in the villages of Lipovac, Apsevci and Podgrade has proceeded well and, with effect from 1 November, the Transitional Administrator intends to give full and open access to these villages to Croat displaced persons wishing to return to their homes. The villages will remain under the control of UNTAES: the Transitional Police Force will maintain law and order and UNTAES military patrols will be continued.

12. Since 16 July, a total of 92 United Nations Volunteers have been working with UNTAES. While their primary task is to conduct humanitarian surveys throughout the region, they are also providing assistance in UNTAES document centres, the establishment of a human rights database, property issues, general administration and the preparations of local elections.

A. Elections

13. The Chief Electoral Officer and his deputy arrived in the mission area in late September and met with senior Croatian Government officials and local Serb authorities. The first meeting of the Joint Implementation Committee on Elections was held on 16 October. The atmosphere was business-like and constructive although the initial positions of the parties were divergent. The Committee agreed to meet initially on a weekly basis with a view to more frequent meetings as discussions progress. An immediate priority for UNTAES is to establish the administrative and technical infrastructure required for elections.

B. Transitional Police Force

14. The present strength of the Transitional Police Force is 1,512, consisting of 1,337 Serbs and 175 Croats. The current aim is to increase the number of Croats by 40 to 50 per month. An agreement reached on 28 August between UNTAES and the Ministry of the Interior concerning Croatia's contribution to the payment of operating costs of the Police Force was reversed by that same Ministry during a follow-up meeting on 16 October. The Ministry's position is

that the payment of those costs is included in the monthly 4.5 million kunas the Government agreed to contribute to the financing of the region. As this payment is already insufficient to cover the needs of the region's public services, the Transitional Administrator will continue to press the Government to provide supplementary funds for the operating costs of the Force as agreed. In this context, Croatian funds for salaries for August were received only on 8 October, instead of the due date of 10 September. Salaries for September were paid in the third week of October. Delays in the reception of equipment and resources and late payment of monthly salaries have undermined UNTAES efforts to build good morale and reliability in the Transitional Police Force. This increases uncertainties about its future.

15. In spite of these difficulties, the operational efficiency of the Force has continued to improve. Because of the difficult material circumstances described above and the resistance of some individuals in the region, expectations regarding the Force must be realistic and its limitations recognized. To improve its professionalism, training courses on human rights and crowd control have been conducted in the region by the International Criminal Investigation and Training Assistance Programme of the United States Government. Further training is planned for the coming months.

C. Border monitoring

16. With a present strength of 39 monitors, staffing of the border monitoring unit remains below 50 per cent of its mandated strength. With such numbers, UNTAES cannot maintain effective round-the-clock observation of the international border crossing points in the region. Movement of persons across the border is expected to increase in coming months and efforts will be made to bring the monitors up to strength. During October, discussions have been held between the Croatian Ministries of Finance and of the Interior, UNTAES and the local Serb authorities with a view to establishing a transitional customs and immigration service of Serbs and Croats by 1 November, or as soon thereafter as practicable.

17. The border monitoring unit has, within its limited capacity, carefully monitored the cross-border movement of families into and out of the region. Between 16 June and 24 October, a total of 166 families were observed moving to the Federal Republic of Yugoslavia from the region. Twelve families moved into the region. One hundred and fifty of the family movements from the region occurred between 1 September and 24 October 1996. Most movements from the region have occurred from the area of Baranja, in the northern part of the region. However, the possibility of departures from the southern part cannot be ruled out, owing to the presence of unofficial land crossings between the region and the Federal Republic of Yugoslavia in this area and the difficulties faced by UNTAES in monitoring these crossings as a result of insufficient personnel.

D. Public affairs

18. UNTAES Radio has expanded its broadcasting capacity to three hours daily, during prime time, on Radio Vukovar. This has enabled the mission to

disseminate more effectively feature stories of particular relevance to the local population, including the ongoing weapons buy-back programme in the region. The technical quality of UNTAES Radio broadcasts has also been improved by the installation of its own production studios with a capability for live broadcasts from UNTAES headquarters via telephone to Radio Vukovar. Separately, the UNTAES market days have continued to be a useful avenue for enhanced dissemination of UNTAES information products. Public affairs assistance to the team from the International Tribunal for the Former Yugoslavia that conducted exhumations at the mass grave at Ovcara, contributed to a balanced, dignified and non-sensational coverage of the exhumations.

V. CHALLENGES AND TASKS

19. The process of peaceful reintegration following five years of war is necessarily complex and difficult. In the UNTAES area of responsibility, the tasks of reintegration are even more challenging because of the large number of displaced persons living within and outside the region who wish to return home and also because of the level of physical destruction and the psychological and emotional scars caused by the war. UNTAES has made considerable progress in the six months since its full deployment in the region, but major challenges lie ahead. As an aid for planning, UNTAES has developed specific targets, including tasks to be achieved and dates for their achievement, for the completion of its principal responsibilities.

20. On the military side, since demilitarization, the tasks have become primarily routine and directed at further decreasing the number of weapons that remain in the region through the weapons buy-back programme financed by the Government of Croatia. With respect to the Transitional Police Force, the development of a dependable multiethnic force able to maintain law and order effectively and give confidence to returning Croats and remaining Serbs is a long-term task. One essential prerequisite is that the Government pay salaries and operational costs in a timely fashion, another being that Serbs who are currently members of the Force and who intend to remain in the region should apply for Croatian citizenship documents. In November, a transitional customs and immigration service comprised of Serbs and Croats will be established under principles similar to the Transitional Police Force and deployed at all international border crossings in the region. Owing to the complexities of customs regulations, substantial training will be required before the service is fully professional. For five years, access to the region from Serbia and vice versa has been based on procedures that provide insufficient control for an international border. The introduction of tighter procedures will have to be carefully phased in to avoid increasing the apprehension of local Serbs.

21. Integration of the administrative systems of the region has begun, but involves highly complex technical and legal questions. The first priority has been to establish Croatian document centres in the region to issue citizenship papers, passports, birth and other certificates, and health and social service documents. As mentioned in paragraph 10 above, in the first two months of operations, over 15,000 applications were received. Approximately two thirds of these have been processed. With a potential pool of over 100,000 applicants, this process would take some 20 months to complete if the current issuing rate

is maintained. Intensive discussions are continuing with the Government of Croatia to establish a programme for the issuance of up to 100,000 citizenship documents by March 1997 in accordance with Croatian legal procedures, in order to provide their recipients with the necessary confidence that these documents will be valid after the UNTAES departure.

22. Discussions on the reintegration of the local legal system between the Croatian Minister of Justice and the local judiciary began in October. At issue is the validity of legal decisions taken during the "Republic of Serb Krajina" period, including the validity of documents issued, the introduction of Croatian laws and regulations and the reintegration of the administration of justice, including penal institutions. As part of the full reintroduction of Croatian law, a substantial media campaign will have to be undertaken to inform residents of legal changes that have occurred over the past five years. Separately, a potentially difficult process will be the registration of local vehicles with Croatian Motor Vehicle Authorities, which could expose the Serb vehicle owners to harassment by Serb extremists. UNTAES is pursuing a policy of progressively easing vehicle access to and from other parts of Croatia. However, once vehicles from the region are registered in Croatia, UNTAES control of vehicle access by undesirable elements from outside the region will be more difficult.

23. It is intended that the transition of local administrative structures in the region should commence in November with the phased introduction of Croatian officials as liaison officers to local departments of administration, while harmonizing local practices with Croatian standards prior to formal reintegration. Integration of state and semi-state enterprises requires negotiations at individual company level. A more forthcoming attitude by the management of the local Serb petroleum company NIK could have facilitated the transfer of assets to the Croatian company INA, which has still not occurred after three months of negotiations. While some encouraging progress has been achieved, integration of local roads, railways, water supply and transport companies is unlikely to occur before January 1997. It is expected that the integration of electricity and telephone companies will take longer.

24. The tasks of economic reconstruction and revitalization are expected to continue well beyond the UNTAES presence. Meanwhile, UNTAES is playing an important role in preparing project documentation, arranging an international donors' conference to be held in December and facilitating studies by international financial institutions. To promote reintegration, UNTAES will continue to phase in the Croatian kuna and intends to establish Croatian banking facilities in the region in November, with the aim of completing the conversion of the payments system before January 1997. A high priority is the generation of employment opportunities for both those who remain and those returning to the region.

25. The choice of the date for the elections is dependent first and foremost on the resolution of outstanding policy issues (S/1996/705, para. 16) and, subsequently, on technical, procedural and support questions flowing from the agreed policy framework. Essential policy preconditions that require agreement are as follows: the criteria for determining eligibility of persons to vote; the representative institutions to be elected and the system of representation; the legal framework to be applied for the elections; and the principles of

electoral delimitation for the units of local government. The negotiations between the parties on these fundamental preconditions, which began recently, reveal that on each of these issues the parties hold very firm and divergent positions. Once these fundamental policy issues have been resolved, approximately 140 days will be required for the resolution and implementation of pending technical and support aspects, such as public information programmes, registration of voters, candidacy nomination and campaigning, staff training, data and systems verification and materials supply, to ensure that the electoral process is conducted in a fair manner.

26. Progress in the broader key areas will thus obviously affect the ability to deliver the electoral outcomes required within the target period. It is likely that the Government of Croatia will insist that the possession of Croatian citizenship documentation be an essential prerequisite for registration of voters. Current forecasts indicate March 1997 as the earliest realistic date by which all eligible inhabitants of the region who wish to apply will have received citizenship documents. Even allowing for some simultaneous processing of citizenship and voter registration documentation, a subsequent period of at least four weeks will be required for the full validation of voter registration records and the preparation of voter rolls prior to candidacy nominations.

27. The return of displaced persons is a step-by-step process that depends upon the availability of housing, the extent of demining where necessary, the effective maintenance of law and order and social and psychological preparation of both those who return and those who stay. It is expected that by the onset of winter, when demining and external reconstruction will not be possible, over 2,000 Croat displaced persons will have been able to return to their homes. The winter period will be used to prepare for substantial returns in the spring and summer of 1997. A forthcoming attitude by the Government of Croatia regarding the return of Serbs to other parts of Croatia would greatly assist in releasing housing for Croat returnees to the region.

28. Looking ahead, the UNTAES assessment is that with full cooperation from both sides, it should be possible for it to complete its primary tasks by early summer of 1997. Thereafter, it will be necessary to envisage modalities for the transition to the long-term monitoring and observation arrangements envisaged in paragraph 10 of the Basic Agreement.

VI. OBSERVATIONS

29. In paragraph 9 of its resolution 1037 (1996), the Security Council requested the Secretary-General, inter alia, to report on the implementation of the Basic Agreement. The UNTAES mission has been in existence for nine months. In the six months since the full deployment of UNTAES troops and civilian staff, demilitarization has been completed, the Transitional Police Force has been established, integration of waterways, railways and roads is in hand and postal and telephone services have been reconnected with Croatian systems. This has permitted the resumption of communication, travel and commerce between people who have been separated for five years. Strenuous efforts have been made to attract international financial assistance for the economic reconstruction and

revitalization of the region. The first disbursements are now being made. Croatian funding has also been secured for local agriculture.

30. The process of face-to-face political dialogue was instrumental in the achievement of a satisfactory amnesty law. Over 10 per cent of residents have applied for Croatian citizenship and the number is increasing. More than 45,000 Serbs and Croats have participated at the seven UNTAES market days, thus contributing to a reduction of individual hostility and suspicion. Over 13,000 individual family reunion meetings have taken place. The first four pilot project villages with over 600 houses have been demined and reconstruction is at a stage where Croat displaced persons may return in November. In the central part of the region, demining has commenced in several villages containing over 1,000 houses for returns expected in the spring.

31. Building on the progress that has been achieved, UNTAES has set a realistic target plan for the fulfilment of the remaining tasks of its mandate. But it must be stressed that the achievement of the plan is dependent on the full and timely cooperation of the parties. While extremists on both sides seek to disrupt UNTAES implementation of the Basic Agreement programme, it is of particular concern that the Government of Croatia, which should be leading the way to peaceful reintegration and reconciliation, has not been fully forthcoming in meeting its commitments and obligations. An atmosphere of confrontation and obstruction has developed that appears to be related more to domestic political concerns than to the work of UNTAES. This has increased the anxiety and fears of current residents of the region, playing into the hands of Serb hardliners whose obstructionism, in turn, fuels extremists on the Croatian side.

32. A most urgent requirement for the successful completion of the UNTAES mission is to terminate the uncertainty about the duration of its mandate. As I noted in my report to the Security Council on 5 August 1996 (S/1996/622), this issue is inhibiting the ability of the mission to operate effectively and has become a major source of political ferment in the region. It is clear that the completion of the tasks of UNTAES within the present mandate period is impossible. UNTAES is already having to plan and prepare for events, such as elections, that extend well beyond 15 January 1997. Moreover, a decision by the Council to extend the mandate will discourage those who hold the false belief that political pressure will cause the mission to compromise on the performance of its tasks and full realization of its mandate, and therefore seek to obstruct it.

33. The international community has made a substantial commitment to the peaceful reintegration of the region of Eastern Slavonia, Baranja and Western Sirmium into Croatia in accordance with the Basic Agreement. The presence of UNTAES has also significantly contributed to the normalization of relations between the Republic of Croatia and the Federal Republic of Yugoslavia and has played an important role in promoting wider regional stabilization, including in Bosnia and Herzegovina. However, the climate of uncertainty and agitation that has developed over the past two months threatens to undermine the progress of the mission.

34. In a presidential statement of 15 August (S/PRST/1996/35), the members of the Security Council affirmed its readiness to consider extending the mandate of UNTAES on the basis of a recommendation I might wish to make. It is my belief that, provided full cooperation by the Government of Croatia and local Serbs is forthcoming, UNTAES should be able to complete its primary tasks by July 1997. The situation at that time may, however, be volatile and a continued international presence may prove vital for the maintenance of peace and stability, especially in the transition to long-term monitoring and observation, as envisaged in the Basic Agreement. Depending on developments, an appropriately restructured UNTAES may be in the best position to provide that presence.

35. In view of the above, I therefore recommend that the Council extend the current mandate of UNTAES by six months, to end on 15 July 1997, in the expectation that the Government of Croatia will extend its cooperation as necessary for the completion of the different tasks for UNTAES. The Council may also wish to give consideration, at this time, to the need to make appropriate arrangements for a further six-month presence until the end of a two-year transitional period. This follow-on mission would be designed to monitor the parties' compliance with their commitments as outlined in the Basic Agreement and to promote an atmosphere of confidence among all local residents, while facilitating the establishment of a long-term monitoring and observation presence. For the reasons described above, an early decision would be needed in order to avoid a further period of pressure and political turmoil during which UNTAES would be diverted from its main tasks.

36. I would like to take this opportunity to pay tribute to the troop-contributing countries for their contribution to the success of UNTAES. I should like also to pay tribute to the Transitional Administrator, Jacques Paul Klein, and to the dedicated civilian and military personnel of UNTAES for their performance, commitment and service to the international community.

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OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Fifty-first year

Letter dated 28 October 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit, enclosed herewith, the aide-mémoire of the Government of the Federal Republic of Yugoslavia concerning the Prevlaka issue.

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under agenda item 81, and of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires, a.i.

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ANNEX

Aide-mémoire issued at Belgrade in October 1996 by the Government of the Federal Republic of Yugoslavia concerning the Prevlaka issue

1. Between the Federal Republic of Yugoslavia, namely between the Republic of Montenegro and the Republic of Croatia, there is a territorial dispute over the Prevlaka peninsula (Cape Ostri and a part of its natural hinterland) in the Boka Kotorska bay. This has been clearly noted in the first sentence of article 4 of the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia of 23 August 1996 (A/51/351-S/1996/744, annex). This fact makes it evident that the recognition of the Republic of Croatia by the Federal Republic of Yugoslavia does not and cannot imply the recognition of the disputed territory of Prevlaka. On the other hand, in accordance with international law, it suffices that only one party involved should consider that a dispute exists, as was unambiguously pointed out by the International Court of Justice in its advisory opinion concerning the interpretation of peace treaties of 1950. According to international law the fact that the other party denies the existence of the dispute does not prove in itself its non-existence.

2. Considering the fact that no delimitation on land and at sea has been effected between the Republic of Montenegro and the Republic of Croatia, applying the legal regulations of the former Yugoslavia and taking account of the aspiration of the Republic of Croatia to continue its existence as an independent State, the Republic of Montenegro, on the basis of a decision adopted by its Parliament on 8 October 1991 (i.e. before the secession of Croatia), approached the Parliament of the Republic of Croatia with an initiative for delimitation with the Republic of Croatia by mutual agreement. By taking this action the Republic of Montenegro made the existence of this dispute both public and official. The Parliament of the Republic of Croatia accepted the initiative. This marked the moment when the Republic of Croatia undertook to effect a delimitation with the Federal Republic of Yugoslavia, i.e. with the Republic of Montenegro in the region of Prevlaka.

Explanation of the dispute

3. The Republic of Croatia claims the territory of Prevlaka on the basis of a historical right. This historical right, however, is actually a political argument.

4. The Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, claims the territory of Prevlaka on the grounds of effective exercise of jurisdiction in this region during a long period of history, namely on the basis of its administration and control over the area, always accomplished in the name of sovereignty. In the past, as well as in more recent times - and not only over Prevlaka (Cape Ostri and a part of its natural hinterland), but over the whole region up to the point of an including Molunat - this administration was carried out from the centres in Boka Kotorska, i.e. in Montenegro.

5. Accordingly, as the Permanent Court of International Justice defined dispute, in the Mavrommatis case in 1924, there is between the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, and the Republic of Croatia a "disagreement on a point of law or fact". There is a controversy in the claims made by the two parties, the solution of which always implies legal and other consequences.

Acknowledgement of the dispute by the Republic of Croatia

6. In the procedure of international recognition for the Republic of Croatia, in his letter of 19 December 1991, addressed to the President of the Council of Ministers of the European Community, the President of the Republic of Croatia made a request that the Republic of Croatia be recognized by the States members of the European Community (EC). The Arbitration Commission examined this request by applying the provisions of the Declaration on Yugoslavia and the Guidelines for the recognition of new States in Eastern Europe and the Soviet Union, which the EC Council of Ministers had adopted on 16 December 1991 and which the Republic of Croatia had accepted.

7. With reference to the Guidelines for the recognition of new States in Eastern Europe and the Soviet Union, the European Community made a statement on 31 December 1991 to the effect that "the recognition does not imply acceptance by the EC and its member States of the position of any republic as regards territory which is under dispute by two or more republics". Consequently, at the time of granting international recognition to the Republic of Croatia, the States members of the European Union did not recognize the disputed territory, in this case the territory of Prevlaka, i.e. Cape Ostri and a part of its natural hinterland, as an integral part of the Republic of Croatia. Such a statement is in full compliance with the idea that recognition should not be granted in respect of any territory over which there is a controversy. This is also in full compliance with international law and the practice according to which the recognition of a State does not necessarily imply that prior to the act of recognition all its borders have to be precisely defined. In the procedure of the admission of the Republic of Croatia to the United Nations in a letter of 11 February 1992 addressed to the Secretary-General of the United Nations by the President of the Republic of Croatia, the Republic of Croatia reaffirmed its adherence to the Guidelines for the recognition of new States in Eastern Europe and in the Soviet Union. Consequently, the Republic of Croatia has already accepted - as a condition of its international existence - that a disputed part of territory cannot be considered as an integral part of the Republic of Croatia.

8. The Guidelines for the recognition of new States in Eastern Europe and in the Soviet Union, which reflect the general European position, and the statement of the European Community that recognition cannot include something which is the subject of a dispute, are in full harmony with the international legal nature of a dispute, which, by definition, represents a controversy in claims made by two parties with respect to a specific part of territory, whose solution results in legal and other consequences. In addition, one of the basic principles of international law is that delimitation between States is never a unilateral, but always a bilateral legal act of international importance and that States are obliged to proceed with delimitation in such a manner.

The United Nations security regime on Prevlaka

9. The present legal status of the Prevlaka peninsula has been regulated by the joint declarations having the character of a treaty made by the President of the Federal Republic of Yugoslavia and the President of the Republic of Croatia on 30 September and 20 October 1992, which comprise the so-called Agreement on Prevlaka, drafted by the United Nations and accepted by the Federal Republic of Yugoslavia and the Republic of Croatia; the document of the handover of the barracks on Prevlaka to the United Nations observer mission of 20 October 1992; Security Council resolution 779 (1992) of 6 October 1992; resolution 981 (1995) of 31 March 1995; resolution 1038 (1996) of 15 January 1996; and resolution 1066 (1996) of 15 July 1996. The Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, article 4, contains a stipulation that, pending the resolution of the territorial dispute over Prevlaka, the two parties are agreed to respect the existing security regime of the United Nations, with the United Nations monitoring.

10. The Joint Declaration of 30 September 1992 addressed the outstanding issues related to the belt between the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, and the Republic of Croatia. The agreement established a provisional legal status for the territory of Prevlaka, which has been demilitarized together with its hinterland. It was agreed that the issue of the overall security of Boka Kotorska and of the Dubrovnik region should be resolved through further negotiations. The agreement was confirmed by Security Council resolution 779 (1992) whereby the United Nations undertook the responsibility to monitor the arrangements agreed upon, i.e. to ensure that the established legal regime of United Nations security be respected until a peaceful solution would be achieved by the two parties. United Nations military observers have been deployed on the peninsula and thereby the authority and control of the world Organization was established. By establishing the United Nations security regime in this area, the Security Council has practically excluded the disputed issue from the jurisdiction and the sole responsibility of the two interested States, thus indicating that this issue could be a threat to peace and security. At the same time, the Security Council imposed upon the interested parties the obligation to work out a solution in a peaceful manner. In fact, the Security Council has established the authority and control of the world Organization on Prevlaka, so that neither Yugoslav nor Croatian jurisdiction applies to Prevlaka today. By adopting the above resolution, the Security Council called upon the parties to settle the dispute through mutual negotiations.

11. The Declaration signed by the President of the Federal Republic of Yugoslavia and the President of the Republic of Croatia on 20 October 1992 reaffirmed the so-called Agreement on Prevlaka, reached in the meantime. That agreement, which was drafted by United Nations representatives and accepted by both parties, defined precisely the demilitarized status and the regime in the area of Prevlaka and its hinterland. "Boundaries for the United Nations demilitarized zone under resolution 779 (1992) were agreed on the night of 20 October 1992 by Presidents Cosić and Tudjman, meeting under the co-chairmanship of Mr. Vance and Lord Owen", which was confirmed by the report of the United Nations Secretary-General of 24 November 1992 (S/24848), which is also evident from the official map of the United Nations used by the United Nations military observers on Prevlaka.

12. Under the established regime of the "Blue Zone", which covers an area the coordinates of which have been defined by the United Nations Protection Force (UNPROFOR), the sole presence allowed in the "Blue Zone", which is otherwise uninhabited, is that of United Nations observers. This means that presence of any other persons, either from the territory of the Federal Republic of Yugoslavia or from the territory of the Republic of Croatia, is prohibited. In the "Yellow Zone", which covers the area marked on the map that the representatives of the Yugoslav Army agreed upon with General Morillon on 15 October 1992, no presence of military personnel or heavy weapons (artillery, tanks, mortars, anti-aircraft guns, rocket launchers and armoured personnel carriers, including all military personnel) is permitted, either on the territory of the Federal Republic of Yugoslavia i.e. the Republic of Montenegro, or on the territory of the Republic of Croatia. On the Croatian territory in the "Yellow Zone", the presence of the police of the Republic of Croatia is allowed and on the Yugoslav part of the "Yellow Zone" the presence of the police of the Republic of Montenegro is allowed, both armed with pistols only.

13. In Security Council resolution 981 (1995) of 31 March 1995, by which the mandate of UNPROFOR was replaced by that of the United Nations Confidence Restoration Operation (UNCRO), Security Council resolution 779 (1992) was once again reaffirmed. It states that the Security Council decides that the mandate of UNCRO shall include "monitoring the demilitarization of the Prevlaka peninsula in accordance with resolution 779 (1992)" pending the final settlement of the dispute.

14. In its resolution 1038 (1996) of 15 January 1996 the Security Council, in fact, once again confirmed the existence of a dispute between the two parties and, acting under Chapter VII of the Charter of the United Nations, emphasized that the obligation of both parties was to work out a solution through negotiations. The latest Security Council resolution, 1066 (1996) of 15 July 1996, takes an identical position on Prevlaka.

15. The Government of the Federal Republic of Yugoslavia and the Government of the Republic of Montenegro are satisfied with and supportive of the established United Nations security regime on Prevlaka and the present legal status of disputed territory, with the understanding that this status implies that the disputed territory will remain under the authority and control of the United Nations until the two parties settle their territorial dispute. The cooperation between the responsible authorities of the Federal Republic of Yugoslavia and the Republic of Montenegro and the United Nations military observers on Prevlaka has been a constructive one.

Violation of the United Nations security regime by the Republic of Croatia

16. Despite the established United Nations security regime, the Republic of Croatia has caused a number of incidents and has taken numerous actions seriously violating the United Nations security regime; witness the written protests submitted by the Government of the Federal Republic of Yugoslavia and the Government of Montenegro and the report of the Secretary-General submitted to the Security Council on 22 March 1995 (S/1995/222 and Corr.1-2). At the same time, the Croatian side has unilaterally established its border on land and at sea with the Federal Republic of Yugoslavia, i.e. with the Republic of

Montenegro, thereby violating a fundamental international rule of delimitation as a bilateral legal matter of international importance, as well as all the relevant Security Council resolutions and bilateral agreements. The Governments of the Federal Republic of Yugoslavia and of Montenegro cannot recognize such a sea border established in an unlawful and unilateral manner. The border between the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro and the Republic of Croatia at sea can only be drawn after the dispute over Prevlaka is resolved and after the delimitation on land in the region is carried out.

17. With respect to the unlawful behaviour of the Croatian side and the violations of the established United Nations security regime, the Government of the Federal Republic of Yugoslavia and the Government of the Republic of Montenegro have kept lodging protests with the Croatian side and have regularly reported such incidents to the United Nations representatives on the ground, as well as to the Special Representative of the Secretary-General, to the Secretary-General and to the Security Council.

18. As a result of such unlawful actions, the Republic of Croatia has, in violation of the United Nations security regime, built the following military installations: the facility at the intersection of roads Kobila Peak - Prevlaka and Cipavica cove - Vitaljina; the facility designed for the control of the Cipavica cove and the communication link Kobila - Vitaljina and Kobila - Prevlaka; the facility on the road that leads to the communication link Vitaljina - Cipavica cove in the direction of the facilities Glavica, Veilaz and Kupice; the facility on Glavica - t.p. 207; in the Bacvica Cove; on the point of a former garbage disposal site which is located on the newly built communication link Molunat - Prevlaka, from the southern side t.p. 323; on t.p. 323 Kupica; and finally, the facility on the point Veilaz. The Government of the Federal Republic of Yugoslavia and the Government of the Republic of Montenegro are lodging once again a protest against these violations and request the Security Council to urge the Republic of Croatia to annul all the results of its unlawful actions in the "Blue Zone", i.e. in the disputed region which is subject to the security regime and the authority and control of the United Nations.

Efforts of the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, to settle the dispute

19. The Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, has been making maximum efforts in order to resolve the territorial dispute with the Republic of Croatia over Prevlaka through direct diplomatic negotiations, in compliance with the instructions contained in the relevant Security Council resolutions. In that context, reference may be made to the above-mentioned initiative by the Parliament of the Republic of Montenegro, on 8 October 1991, which contained a proposal to negotiate a delimitation with the Republic of Croatia on land and at sea in the region of Prevlaka. Further reference is made to the negotiations held at The Hague and Brussels at the highest level throughout 1991 and 1992, to the meeting and talks of the Ministers of the Interior of the Republic of Montenegro and the Republic of Croatia of 20 October 1992 and 28 January 1993, to direct talks of the two interested parties held within the framework of the Joint Inter-State Commission in the presence of the Special Representative of the Secretary-General of the United Nations on 25 April 1995, to the shuttle diplomacy of the United Nations

representatives, and, finally, to the continuation of the negotiations in Dayton in November 1995, the London Conference on 9 December 1995, and the Paris Conference on 14 December 1995, the negotiations in Zagreb held on 11 March 1996 and in Belgrade on 13 May 1996. None of these, however, have yielded any result.

20. Throughout the Dayton peace negotiations in November 1995, the delegation of the Federal Republic of Yugoslavia, making use of the instruments of the overall peace arrangement, did all within its power to reach a negotiated settlement of the dispute in direct contacts with the delegation of the Republic of Croatia, in the presence of the representatives of the United States of America. The guarantees given on that occasion by the Republic of Croatia with respect to a tripartite exchange of territories between the Federal Republic of Yugoslavia, the Republic of Croatia and Bosnia and Herzegovina, and the resolution of the dispute over Prevlaka in favour of the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, are well known to all the participants of the direct peace talks in Dayton. The Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, is in possession of a paper, in the Croatian language, in which the Croatian delegation, as its version of a tripartite exchange of territories, submitted its proposal for the resolution of the dispute. The text of that paper was acceptable for the Yugoslav delegation. Once the Dayton Agreement was reached, however, through a series of public statements made by the highest-ranking officials of the Republic of Croatia, as well as statements made in direct bilateral contacts, Croatia disregarded arrangements already agreed upon, invoking an obstacle allegedly contained in article 8 of its Constitution, which in fact does not exist.

21. In all the above-mentioned contacts, the Republic of Croatia did not demonstrate readiness to start meaningful talks, thereby acting in full contravention of international law and relevant Security Council resolutions. The method used by the Republic of Croatia has been either to state that the problem was negligible and easily solvable, while continuously offering the prospect of a positive solution for the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, or to push for revision of the solutions already agreed on in bilateral agreements at the highest level or contained in Security Council resolutions; or to disregard the obligations undertaken. Thus, by evading the obligation under international law to reach a settlement and by making use of the fact that the United Nations forces on Prevlaka have a limited term of office that is periodically extended, the Republic of Croatia has been trying to put strong pressure on the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, to abandon its basic position in the territorial dispute over Prevlaka. By its actions, the Republic of Croatia has deliberately violated the Security Council resolutions 779 (1992), 981 (1995) and 1038 (1996) which, pursuant to Article 33 of the Charter of the United Nations impose the obligation to settle disputes on the basis of meaningful negotiations and in the spirit of good faith.

Agreement on Normalization of Relations and the territorial dispute over Prevlaka

22. Bearing all this in mind, the Government of the Federal Republic of Yugoslavia, whose position with respect to Prevlaka primarily reflects the

position of the Republic of Montenegro, since it involves the territory of that Republic, fully aware of the broader significance of normalization of Yugoslav-Croatian relations and not seeking to impede the process of normalization, continued to offer ideas and initiatives towards a peaceful solution. In this regard, fulfilling the obligations set forth in Security Council resolution 1066 (1996) of 15 July 1996, the Federal Republic of Yugoslavia, as a minimum solution to accommodate the interests of the Federal Republic of Yugoslavia in relation to the disputed territory of Prevlaka and to allow for an agreement on the normalization of relations between the Federal Republic of Yugoslavia and the Republic of Croatia, has proposed article 4 of the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, which reads as follows:

> "1. The Contracting Parties are agreed to solve the disputed issue of Prevlaka through mutual negotiations. Thereby, a contribution shall be made to the full security of the part of the territory of the Federal Republic of Yugoslavia in the area of Boka Kotorska bay and the part of the territory of the Republic of Croatia in the area of Dubrovnik. The Contracting Parties shall settle this important disputed issue through mutual negotiations in the spirit of the Charter of the United Nations and good-neighbourliness.
>
> "2. Until mutual agreement on Prevlaka is reached, the Contracting Parties are agreed to respect the existing security regime established during United Nations monitoring."

23. The Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia represents a new challenge and a new possibility to have the territorial dispute over Prevlaka resolved by negotiations between the two parties. The first sentence of article 4 of the Agreement clearly states that there is a "disputed issue of Prevlaka" between the Federal Republic of Yugoslavia and the Republic of Croatia, Prevlaka being made up of the territory of Cape Ostri and a part of its natural hinterland. Therefore, there is a territorial dispute between the two countries.

24. In accordance with the territorial dispute over Prevlaka, the second sentence of article 4 ("Thereby a contribution shall be made to the full security of the part of the territory of the Federal Republic of Yugoslavia in the area of Boka Kotorska bay and the part of the territory of the Republic of Croatia in the area of Dubrovnik.") can only be interpreted as a contribution to the full security of the part of the territory of the Federal Republic of Yugoslavia in the area of Boka Kotorska bay, which is for the time being under the security regime of the United Nations, i.e. under the authority and control of the United Nations in the so-called "Blue Zone", which includes waters of the Boka Kotorska bay, which have always enjoyed the status of indivisible internal waters; the words "the part of the territory of the Republic of Croatia in the area of Dubrovnik" can only refer to the territory of the Republic of Croatia bordering on the natural hinterland of Cape Ostri, i.e. Prevlaka.

25. Article 2 of the Agreement, which refers to mutual recognition of sovereignty and integrity in accordance with international law, implies that the disputed territory cannot be the object of violations by any of the parties

involved. In addition, article 2 provides for an explicit obligation that delimitation be carried out on the basis of negotiations between the two parties.

26. Article 10 of the Agreement refers to the obligation of the parties to continue negotiations on the normalization of relations in the sphere of air and road traffic on the basis of the principle of reciprocity, which implies that the negotiations on the so-called south corridors, located in the disputed region, are pending, as well as the negotiations on the opening of a border crossing between the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, and the Republic of Croatia, which does not exist at present.

Proposed solution to the dispute over Prevlaka

27. Accordingly, article 4, 2 and 10 of the Agreement on Normalization of Relations offer a possibility to accommodate the interests of both parties on the basis of the principle of reciprocity set forth in article 10 by effecting a legal and just delimitation on Prevlaka, so that Cape Ostri and a part of its natural hinterland are recognized as an integral part of Boka Kotorska, i.e. of the Republic of Montenegro and the Federal Republic of Yugoslavia, since Prevlaka and a much wider region up to and including the point of Molunat have been administered over a long period of history from the larger towns in Boka Kotorska, i.e. from Montenegro. Therefore, the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, claims Prevlaka on the basis of effective continued exercise of jurisdiction, which is just another term for the sovereign possession of the disputed area according to international law.

28. At the same time, the Government of the Federal Republic of Yugoslavia and the Government of the Republic of Montenegro will, on the basis of the reciprocity of interests set forth in article 10 of the Agreement, make it possible for the Republic of Croatia to use freely the southern air and road corridor. This proposal represents a new initiative taken by the Government of the Federal Republic of Yugoslavia and the Government of the Republic of Montenegro in favour of the Republic of Croatia to settle the territorial dispute over Prevlaka and an actual measure of implementation of the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia.

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28 October 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 20
ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

SECURITY COUNCIL
Fifty-first year

Letter dated 28 October 1996 from the Permanent Representatives of Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Slovenia to the United Nations addressed to the Secretary-General

We should like to state our position with respect to questions resulting from the dissolution of the former Socialist Federal Republic of Yugoslavia which relate to the membership of the successor States in the United Nations. These questions constitute a part of the issue of State succession and have to be settled in accordance with international law and the relevant decisions taken by the competent organs of the United Nations.

The relevant decisions in the case of the former Socialist Federal Republic of Yugoslavia are contained in Security Council resolution 777 (1992) and, most recently, resolution 1022 (1995), as well as in General Assembly resolution 47/1. In its resolution 777 (1992), the Security Council stated that the State formerly known as the Socialist Federal Republic of Yugoslavia had ceased to exist, and that the Federal Republic of Yugoslavia (Serbia and Montenegro) had to apply for membership in the United Nations. These resolutions continue to be applicable and must be strictly adhered to.

All States that have emerged from the dissolution of the former Socialist Federal Republic of Yugoslavia, which has ceased to exist, are equal successor States. The Federal Republic of Yugoslavia (Serbia and Montenegro) also has to follow the procedure for admission of new Member States to the United Nations, which would enable the Organization to make its judgement on whether the conditions set out in Article 4 of the Charter of the United Nations are met.

We should be grateful if you would have this letter circulated as a document of the General Assembly under agenda item 20, and of the Security Council.

(Signed) Ambassador Muhamed SACIRBEY
Permanent Representative of Bosnia and Herzegovina

(Signed) Ambassador Denko MALESKI
Permanent Representative of Macedonia

(Signed) Ambassador Mario NOBILO
Permanent Representative of Croatia

(Signed) Ambassador Danilo TÜRK
Permanent Representative of Slovenia

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Security Council

Distr.
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S/1996/886
29 October 1996

ORIGINAL: ENGLISH

LETTER DATED 25 OCTOBER 1996 FROM THE PERMANENT REPRESENTATIVE OF IRELAND TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith a declaration which was issued on 25 October by the Council of Ministers of the European Union on the subject of the situation in South Kivu.

I would be grateful if you could have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) John H. F. CAMPBELL
Ambassador and
Permanent Representative

96-29455 (E) 291096

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Annex

[Original: English and French]

Declaration issued on 25 October 1996 by the Presidency on behalf of the European Union on the situation in South Kivu

The European Union, recalling its declaration of 21 October 1996, expresses its continuing grave concern about the deteriorating situation in South Kivu. This crisis continues to undermine regional and international efforts aimed at securing long-term peace and stability for the Great Lakes region. In order to prevent a further humanitarian catastrophe and possible wider conflict in the region, the European Union reiterates its call on all parties to exercise restraint and to take immediate steps to resolve the crisis by peaceful means.

Continuing to have the strong conviction that the complex problems at issue can only be resolved through early and substantive dialogue, the European Union welcomes the opportunity being offered by the authorities of both Zaire and Rwanda to pursue and reinforce the process of dialogue between their two countries.

Having been fully briefed on the current situation and the prospects for a negotiated outcome by its Special Envoy to the Great Lakes region, Mr. Aldo Ajello, who has just returned from a special mission to the countries of the region, the European Union wishes to facilitate and give its strong support to the holding of an early dialogue to resolve the crisis in South Kivu. In furtherance of this objective, the Union has mandated its Special Envoy to return as soon as possible to the Great Lakes region in order to facilitate early dialogue between the authorities of Zaire and Rwanda. It earnestly hopes that Mr. Ajello's ongoing efforts on behalf of the Union can in this manner assist the efforts of the Special Representative of the Secretary-General of the United Nations, Mr. Ibrahima Fall, the Organization of African Unity and regional leaders to resolve peacefully the current situation in South Kivu.

The European Union believes that the current crisis in South Kivu underscores the pressing need to address effectively the enormous problems posed by the presence of over 1 million refugees and displaced persons in the Great Lakes region. The Union is prepared to work closely with the United Nations High Commissioner for Refugees, the Governments in question and international donors in order to bring about an agreed and effective strategy to deal with this pervasive issue.

The Union further believes that such a strategy will be a key element in the search for a comprehensive, durable settlement of the problems of the region as a whole. It reiterates its view that a Regional Conference on Peace, Security and Stability in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity has a central role to play in the establishment of such a settlement. It calls on all parties to renew their efforts towards the holding of such a conference.

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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN BURUNDI

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1072 (1996) of 30 August 1996, in which the Council decided to re-examine the question of Burundi on 31 October 1996 and requested me to report by that time on the situation in Burundi, including on the status of the immediate and unconditional negotiations which the Council required all of Burundi's political parties and factions without exception, whether inside or outside the country and including representatives of civil society to initiate, with a view to reaching a comprehensive political settlement.

2. Furthermore, in paragraph 7 of resolution 1072 (1996), the Security Council requested me, in consultation with the international community, to undertake preparations when appropriate for the convening of a pledging conference to assist in the reconstruction and development of Burundi following the achievement of a comprehensive political settlement.

3. In paragraph 8 of resolution 1072 (1996), the Council encouraged me, in consultation with all those concerned, including the neighbouring States, other Member States, the Organization of African Unity (OAU) and international humanitarian organizations, to establish mechanisms to ensure the safe and timely delivery of humanitarian relief throughout Burundi.

4. In paragraph 12 of resolution 1072 (1996), the Council encouraged me and Member States to continue to facilitate contingency planning for an international presence and other initiatives to support and help consolidate a cessation of hostilities, as well as to make a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi.

5. Since the adoption of resolution 1072 (1996), my Personal Representative has made regular oral reports to the Council.

6. The present report was drawn up using information available to the Secretariat on 22 October 1996. An addendum concerning developments in the past few days will be issued shortly.

II. POLITICAL SITUATION

7. One of the most important developments in the political situation since the coup d'état of 25 July 1996 has been the determination shown by the new regime to consolidate its power and comply with the requirements of the countries of the subregion for the lifting of the sanctions. Security Council resolution 1072 (1996) maintained the sanctions, strongly condemned the coup d'état which had overthrown Burundi's legal authorities and at the same time invited the parties to the conflict to lay down their weapons and to enter resolutely into serious negotiations for the restoration of peace.

8. In order to consolidate its position as ruler of the State of Burundi and comply with the requirements of the international community, the Government of President Pierre Buyoya has announced and taken a number of measures. For example, the Chiefs of the General Staff of the Army and the Gendarmerie cited in the report of the International Commission of Inquiry in Burundi have been removed from their posts. However, it should be noted that no inquiry or legal proceedings seem yet to have been instituted in the case of these two officers. President Buyoya has also adopted an Action Plan, which the Prime Minister made public on 4 September 1996. He took a decision to restore the National Assembly in its original form and to lift the ban on political parties. One month later, however, it is obvious that the Assembly has not been restored with all its pre-coup d'état powers, regulations and responsibilities in place. The same is true of the political parties, for their freedom of action is severely restricted. But these measures do show that a step has been taken in the right direction.

9. Although theoretically restored in its earlier form, the National Assembly has only just resumed its work. It should be emphasized in this connection that the functioning of this body, which is the only State institution to retain a measure of constitutional legitimacy, risks being seriously compromised by the exile of a large number of its elected members and the members who were nominated to take their places. Furthermore, although the President of the National Assembly, Mr. Léonce Ngendakumana, has at last returned to his Residence, the former President of the Republic, Mr. Sylvestre Ntibantunganya, is still at the Residence of the Ambassador of the United States in Bujumbura, where he took refuge.

10. In preparation for the Third Arusha Regional Summit on Burundi scheduled for 12 October, President Buyoya has stepped up his contacts with some members of the diplomatic corps and special envoys in the Great Lakes region. For example, he met in Bujumbura Mr. Wolpe and Mr. Ajello (Special Envoys of the United States and the European Union respectively) and my own Special Envoy, Mr. Lakhdar Brahimi, in order to clarify his position on the opening of negotiations and lifting of the sanctions.

11. However, the heads of State of the region, convinced that the sanctions had an immediate and tangible impact in terms of political pressure and noting that, regrettably, serious negotiations have not yet begun between all the parties, decided on 12 October to keep the sanctions in place.

12. Today the sanctions against Burundi prompt in diplomatic observers two types of reaction, or two approaches. On the one hand there are the advocates of the firm approach, who think that the sanctions must be maintained more or less in their present form until the new regime clearly and unequivocally initiates the process of negotiation. And then there are the supporters of the lifting of the embargo, who consider that the measures for the restoration of the National Assembly and political parties must be regarded as positive initiatives and that it is important to give these initiatives a broader welcome than the one offered by the States of the region when they relaxed the sanctions a little and authorized the import of fertilizers and seeds.

13. With regard to initiating negotiations with the armed rebels, the new regime stated that it was willing to join in any effort to restore peace. The Conseil national de défense de la démocratie (CNDD) also indicated its readiness to begin negotiations to end the hostilities, although with the qualification that it would negotiate only with representatives who had not participated in the events of October 1993. Contradictory statements on all sides at times suggest that there is no genuine and firm determination to begin serious political discussions immediately. The prevailing impression is that each side is seeking to consolidate its position. The Burundi armed forces currently are recruiting an estimated 5,000 to 7,000 additional men and are training some 2,000 high school graduates, which would bring the size of the Burundi army to nearly 30,000 troops. This figure shows that the army, thus far comprised primarily of a single ethnic group, has virtually doubled in size in one year. The provincial governments are continuing to grow more militant. This trend is often unwelcome, as was demonstrated by the assassination on 22 October of the military governor of Cibitoke province and the four soldiers accompanying him. The CNDD, too, has begun in recent months to bolster its military capability significantly.

14. It is undoubtedly against this background that one must view the initiatives being taken by certain elements of Burundi society that are demanding the disclosure of the truth concerning the October 1993 genocide, as well as the Government's recent decision to establish a national commission to take action in the light of the recent report of the International Commission of Inquiry for Burundi. Such initiatives are consistent with the attention being focused on impunity and injustice, two themes which pervade political discourse in Burundi and which were highlighted once again on 21 October during the commemoration of the third anniversary of the assassination of President Melchior Ndadaye.

15. The leaders of the subregion met in Arusha on 12 October, together with the facilitator, Mwalimu Julius Nyerere, and the Secretary-General of OAU, to review the political situation and the implementation of the economic sanctions. On that occasion, they announced in a joint communiqué that President Buyoya and Mr. Léonard Nyangoma (neither of whom were invited to Arusha after all) had written to President Nyerere and the heads of State of the region solemnly

confirming that they were both prepared to take part in unconditional negotiations. The communiqué also stated that the participants (the Presidents of Kenya, Rwanda, Uganda, the United Republic of Tanzania and Zambia and the Prime Ministers of Cameroon, Ethiopia and Zaire) would take appropriate measures against any group or faction that refuses to participate in the negotiations or hinders the peace process. The communiqué stated that the negotiations were to begin the following month, pursuant to the Mwanza Peace Process, and that the preparations for them were to begin immediately. The communiqué added that the leaders of the subregion had decided to send a ministerial mission consisting of Cameroon, Kenya, Uganda, the United Republic of Tanzania and Zaire to Bujumbura to monitor the implementation of the Arusha decisions.

16. The Arusha Summit confirmed that the sanctions would remain in effect until the negotiation process was well under way, but also, that the States of the region would react positively if the new regime became seriously involved in the negotiation process. In Bujumbura, the Government immediately reacted to the decision to maintain the sanctions by expressing its profound disappointment and warning the international community of the explosive situation in the subregion. Moreover, it asserted that the sanctions were an obstacle to negotiations and that, consequently, it would not join the peace talks until the sanctions had been lifted.

17. Against this background, the Ministers for Foreign Affairs of the countries of the region met in Dar-es-Salaam to decide how to respond to the reaction of the Burundi regime: they initially decided to cancel or postpone their ministerial mission, which was to have gone to Bujumbura on 16 October. However, they changed their minds when, a few days later, the Government, reacting favourably to the initiatives of the United Nations and OAU, issued a communiqué stating that the mission would be welcome. The ministerial visit, which took place on 18 October, helped to defuse the situation somewhat.

III. SECURITY SITUATION

18. Since my last report, the security situation has remained precarious and a matter of grave concern to the new regime, which has asserted its desire to restore peace and security during the transition period.

19. In Bujumbura, gang activity and endemic terror are noticeably decreasing; armed attacks against expatriates and thefts of foreigners' vehicles have virtually ceased. This development can be credited to the new authorities, who have implemented a policy to dismantle gang networks, which had been well known and even protected.

20. Unfortunately, this improvement has not reached the rest of the country, where insecurity continues to be a constant fact of life. Thus, the provinces in the north-west (Cibitoke, Bubanza and Kayanza), which border the rebel sanctuary in the Kinira forest and are near the borders of eastern Zaire and south-western Rwanda, are virtually inaccessible for humanitarian aid purposes. Until very recently, the Office of the United Nations High Commissioner for Refugees (UNHCR) tracked movements of people fleeing towards Zaire and the United Republic of Tanzania to escape the confrontations between the rebels and

the armed forces. Hospital centres continue to receive military and civilian casualties from this region, many of them victims of anti-personnel mines. Military vehicles reportedly have been blown up by mines. Similarly, reported ambushes against military personnel and civilians have turned RN2, the road between Bugarama and Gitega, into one of the most dangerous and deadly roads in the country. This is the road on which Msgr. Joachim Ruhuna, the Archbishop of Gitega, lost his life. The persons who committed this unspeakable crime have yet to be identified.

21. On 3 and 4 September the rebels attempted an attack on the capital. This attempt prompted major reprisals by the forces of order in the rural suburbs of Bujumbura; combat helicopters and heavy weapons were used, a sign of the scope of the confrontation. The official announcement that 100 rebels were killed, and the fact that no prisoners were taken and few weapons were seized, illustrate the complexity of this armed conflict, which has neither victor nor vanquished but is claiming many lives, particularly among the civilian population, as it drags on. In Kabezi, a fishing port in rural Bujumbura, several homes recently were burned down; in Makamba province, more precisely, in the provincial capital, young Hutus, according to their parents, reportedly have fled to unknown destinations.

22. The armed forces are continuing their combing and pursuit operations in the rural areas of Bujumbura, where the authorities have learned of the existence of "parallel governments" led by rebel forces which have been stepping up their attacks on electrical installations. Thus, a large part of the city still is without electricity, indicating that the army's efforts to provide the installations with physical protection do not always have the desired results.

23. Since the coup d'état of 25 July, the Burundi army has reported rebel infiltrations across the supposedly closed borders with Zaire and the United Republic of Tanzania. In any event, there have been no reports of rebel movements occasioning large-scale attacks; rather, by all accounts the rebels have decided to base themselves in certain areas from which it is difficult to flush them out. This is the case, for example, in the areas of Muramvaya and Gitega and some north-western provinces.

IV. HUMANITARIAN QUESTIONS

24. The United Nations supported the sanctions imposed on Burundi but stated that it was concerned about the serious consequences which their application might have on the humanitarian aid activities if the United Nations bodies and non-governmental organizations (NGOs) did not enjoy clearly established exemptions. The subsequent embargo has in fact complicated the task of the organizations furnishing assistance to the people affected by the war.

25. During the first week of August the Tanzanian and Kenyan Governments closed their airspace and borders with Burundi and banned the transit through their territory of goods bound for Burundi. During the following week Cameroon, Ethiopia, Rwanda, Uganda, Zaire and Zambia took similar action.

26. In the days immediately after the entry into force of the sanctions people swooped down on stocks of the basic foodstuffs. On 5 August the Kenyan authorities refused to authorize a United Nations-chartered aircraft from Bujumbura to land at Nairobi - the first sign of the stringency with which the sanctions would be applied. However, the United Nations subsequently secured the opening of a Nairobi-Bujumbura-Nairobi air corridor twice a week, on Thursdays and Sundays. This corridor is open to the humanitarian personnel of the United Nations and non-governmental organizations and to the entire diplomatic community.

27. Service stations soon ran short of petrol throughout the country, and the Government imposed strict fuel-rationing measures. Like all the non-military elements of the population, non-governmental and humanitarian organizations are initially entitled to only 20 litres of petrol per vehicle per month.

28. In view of the severe fuel shortage the United Nations bodies had established a common logistical service to pool deliveries of available supplies. The World Food Programme (WFP) and UNHCR are taking responsibility, as far as possible, for deliveries of humanitarian aid on behalf of the other United Nations and non-governmental organizations. WFP is coordinating the requests received from these organizations for the transport of additional supplies and foodstuffs, the United Nations Children's Fund (UNICEF) is taking care of requests for goods other than foodstuffs and the World Health Organization (WHO) is responding to requests for medical supplies.

29. On 16 August the Ministers for Foreign Affairs of Kenya, Rwanda, Uganda, the United Republic of Tanzania and Zaire met in Kampala to consider the question of the application of the sanctions. They agreed to establish a Regional Sanctions Coordination Committee, whose function would be to coordinate the activities of the national sanctions implementation committees. The Ministers decided that initially only medicines and foodstuffs destined expressly for the Rwandan refugees still in Burundi would be exempt from the sanctions.

30. The United Nations Resident Coordinator in Kenya, designated by the Department of Humanitarian Affairs to coordinate with the neighbouring States all matters connected with the sanctions, urged the Regional Sanctions Coordination Committee to grant limited exemptions on humanitarian grounds so that humanitarian aid could be brought to the vulnerable people in Burundi.

31. At its next meeting, held in Arusha on 6 September, the Committee agreed that certain concerns of a humanitarian nature were justified and it granted major exemptions. It authorized the humanitarian bodies to import urgent medical items and laboratory equipment, as well as food supplements for infants and hospital patients. And, crucially, it granted the United Nations the right to import limited quantities of fuel for the distribution of these goods. It also authorized, as pointed out above, twice-weekly humanitarian flights between Nairobi and Bujumbura. WFP is currently responsible for coordination of fuel needs. These exemptions from the sanctions on humanitarian grounds have been welcomed, but the import of other articles regarded as useful remains prohibited. The United Nations is still trying to obtain exemptions for

foodstuffs in general and other items such as blankets, flexible plastic sheeting and water-purification and sanitation materials.

32. The Committee's second meeting, in Kigali on 25 September, was devoted mainly to political questions, for the States of the region had, amongst other things, agreed to recommend the import of limited amounts of vegetable seeds and fertilizers for non-commercial crops. This recommendation was made following the decisions of the new regime in Bujumbura to re-establish the National Assembly and political parties.

33. Although the Committee responded favourably to a joint request of the United Nations and the community of humanitarian non-governmental organizations concerning a bulk consignment of fuel, the order has still not yet been received.

34. The exemptions granted by the Committee for medicines have not prevented serious shortages in the health sector. Stocks of medicines are at a very low level in some provinces and, owing to the fuel shortage, it has not been possible to carry out missions to assess the needs. Stocks of poliomyelitis vaccine have been exhausted since the end of the September and, although limited quantities have since been sent by air, there is a serious risk that the vaccination chain will be broken. A small quantity of tuberculosis vaccine has finally been delivered, but the shortage of this vaccine remains extremely worrying. Furthermore, UNICEF has still not received from Kigali the delivery of kerosene which it was expecting. Unless a delivery arrives very shortly, the cold chains will be seriously affected.

35. Although there are only about 200 Rwandese refugees still in the country, UNHCR reports that refugees are still entering Burundi from eastern Zaire. More than 700 have crossed the border since the conflict erupted last month between the Zairian Tutsis and elements of the Zairian army. Many of the people who fled the fighting have entered the Burundian province of Cibitoke, where there is unrest, and will be transported by the Burundi Government to a UNHCR camp being prepared at Gihanga, about 15 kilometres north of Bujumbura airport.

36. The recommendations of the technical support mission of the Department of Humanitarian Affairs, which arrived in Burundi at the beginning of August, have been accepted. The Department is now following up the mission's proposals, including the assignment of additional personnel and improvement of the logistical and telecommunications support.

V. HUMAN RIGHTS

37. Since my last report, the human rights mission of observers deployed in Burundi on 19 April 1996 by the United Nations High Commissioner for Human Rights has pursued its activities, although these have been somewhat curtailed owing to the political disturbances. The rationing of fuel at the outset and above all the persistent deterioration of security conditions in Burundi have prevented the five observers from travelling as freely as they would have liked in the provinces to conduct the inquiries and investigations required by the situation.

38. As in the preceding months, the mission of observers continues to received numerous allegations of massacres, killings, infringements of personal freedom and security, forced disappearances and arbitrary detentions in the interior of Burundi, especially in the provinces of Muramvya, Gitega, Kayanza, Cibitoke and Bubanza, allegations which are difficult or take a long time to verify because of the aforementioned security constraints. The mission has noted that such violations are to a large extent attributable to members of the armed forces. Nonetheless, a number of lethal incidents and massacres continue to be perpetrated by the rebels. In addition, the clashes between the army and the rebels in the interior of the country, especially in rural Bujumbura, are causing fear in all parts of Burundi society.

39. The prison situation is far from improving. The number of detainees keeps increasing and the conditions of their detention remain of concern. It will be recalled that the first cases, tried during the two sessions held by the three criminal chambers of Burundi in February-March and last June, often took place without the defendants' having access to any legal aid whatever and led to more than 80 death sentences.

40. During his most recent mission to Burundi, from 1 to 17 July 1996, the Special Rapporteur observed numerous defects in the system of administration of justice and noted that justice was being dispensed very rapidly, without the defendants' having been properly informed of the charges against them. Since the fight against impunity is an absolute priority in Burundi in order to re-establish a State subject to the rule of law, my Special Representative in Burundi and the High Commissioner have launched, at the request of the Burundi authorities and the Bar Association, an international judicial assistance project under the first phase of which a number of foreign lawyers will assist both defendants and civil parties, side by side with their Burundi colleagues. This project, for which the operational office of the High Commissioner will serve as focal point, is intended to expedite the examination of at least 540 cases currently pending before the criminal chambers of Ngozi, Gitega and Bujumbura. The next session of the criminal chambers is scheduled in theory for October.

41. Within the framework of the activities to strengthen the Burundi judicial system, the operational office of the High Commissioner is organizing between July 1996 and January 1997 four sessions to train and retrain magistrates and officers of the judicial police and one four-week session for registrars and clerks of the court. It is also helping in the revision of the Criminal Code and the Code of Penal Procedures.

42. The human rights observers are trying to keep in continuing contact with the transitional authorities and the local authorities and to submit regular reports on their activities to interested Governments and the international organizations and agencies concerned. The human rights operation in Burundi, it should be stressed, is but one of the components of a coherent and comprehensive strategy put in place by the international community to promote concerted efforts towards a national dialogue between all the parties to the Burundi conflict and to help the country to settle the crisis.

43. The High Commissioner for Human Rights is firmly convinced that the mission of observers can play a definite stabilizing role in the present situation in Burundi. With this in mind, he is actively pursuing his efforts with a view to increasing steadily the number of human rights observers in the field, bearing in mind security conditions and the availability of voluntary contributions.

VI. CONTINGENCY PLANNING

44. As stated in my report to the Security Council of 15 August 1996 (S/1996/660), the Secretariat has entered into consultations with Member States in order to facilitate the establishment of contingency plans for Burundi. Although provisional plans have been drawn up for a peacekeeping operation based on a settlement involving all the parties, it is clear that the necessary conditions for the success of such an operation under Chapter VI of the Charter are not for the moment in place. Furthermore, in the absence of a technical field assessment the Secretariat does not have the necessary information for drawing up detailed plans. However, in accordance with paragraph 12 of resolution 1072 (1996) the Secretariat has kept updated, as far as possible, the various aspects of its provisional plans for a possible peacekeeping operation.

45. The Secretariat's contacts with Member States and the responses which it received are described in paragraphs 38 to 43 of my report of 15 August 1996. In this section of the report, I described how the Secretariat studied two scenarios for an operation pursuant to Chapter VII of the Charter. The first scenario, set out in detail in my report of 15 February (S/1996/116), consisted of a multinational force planned, organized and led by a State or group of States having a recognized rapid-response capacity.

46. Since this proposal did not obtain the necessary support from Member States, an alternative was put forward which proposed the deployment of a United Nations force mandated by the Security Council and financed by statutory contributions. This proposal was prompted by the wish to deal with the issues left unanswered in the proposal for a multinational force, such as the command and funding of the operation. However, as stated in paragraph 43 of my previous report (S/1996/660), this proposal was no more successful than the first one. Only five Governments out of the 31 contacted by the Secretariat sent replies. Four of the replies were negative. The Secretariat's approaches have secured no other response since then.

47. In the meantime, in accordance with the communiqué of 31 July 1996 of the Second Arusha Regional Summit on Burundi, which called for more coordination and better cooperation between the United Nations, OAU and the countries of the region, on 6 September 1996 the Under-Secretary-General for Peacekeeping Operations wrote to the Tanzanian Government in its capacity as Chairman of the Technical Military Committee established at the First Arusha Summit. The purpose of this communication was to offer United Nations military expertise for the elaboration of a security assistance plan in Burundi, as envisaged at the First Arusha Summit. During my discussions with President Nyerere on the occasion of his recent visit to New York he reiterated his conviction that such security assistance would be necessary in the future both in the case of a

political settlement of the situation and in the case of a massive outbreak of violence.

48. I remain convinced that the worst could happen in Burundi at any moment. I am extremely worried about the reports of the killing of thousands of Burundians since the coup d'état of 25 July 1996. As a result I am continuing to encourage the countries which have the military and logistical capacity for contributing to the necessary preparations to stand ready to take the necessary measures to prevent a disaster similar to the 1994 genocide in Rwanda from happening in Burundi. In these circumstances I support the initiative taken recently by the United States to strengthen the capacity of the African countries to contribute to peacekeeping activities and to react promptly to crises in Africa. I understand that the United States has begun consultations with OAU, with African and European countries and with a number of other States. I hope that this initiative will receive the necessary logistical and financial support to provide a credible reaction in the event of a serious crisis endangering civilian populations. Although the initiative is not aimed at any particular country and the determination of its practical modalities will take some time, it is not incompatible with my own convictions with respect to preventive action in reaction to the emergence of a crisis, in Burundi or elsewhere.

VII. OBSERVATIONS

49. Civil war continues to rage in Burundi. Despite the apparent lull following the coup d'état of 25 July 1996, violence has unfortunately reasserted itself very quickly. It is estimated that there have been over 10,000 casualties of the civil war since the coup d'état. It is therefore more imperative than ever to get the process of negotiations well under way, for only this can offer any hope of an end to the fratricidal conflict in Burundi.

50. A glimmer of hope appeared at the Arusha Regional Summit on 12 October 1996. On that occasion, the regional heads of State and delegations received a solemn pledge from the two main leaders who are parties to the conflict, Mr. Buyoya and Mr. Nyangoma, to start negotiations immediately and without conditions.

51. Taking note of those two solemn pledges, the Summit decided to adopt a strict timetable for the launching of negotiations within one month, i.e. by 12 November 1996. The Summit also decided that the preparatory phase for those negotiations should begin immediately, under the direction of the facilitator, President Nyerere, and ordered a ministerial mission to be sent to Bujumbura. The mission took place on 18 October. Lastly, the regional heads of State declared their readiness to respond positively to any serious opening of a dialogue between the new regime in Bujumbura and the parties involved in the conflict, by re-evaluating the imposition of sanctions.

52. Burundi is therefore again at a crossroads. The next few weeks could be crucial. The key question is whether the parties to the conflict will succeed in embarking on a serious process of negotiation. Accordingly, the international community must continue to exert pressure to ensure implementation of the programme of action adopted by the Arusha Summit on 12 October 1996.

53. In paragraph 7 of its resolution 1072 (1996), the Security Council requested me, in consultation with the international community, to undertake preparations when appropriate for the convening of a pledging conference to assist in the reconstruction and development of Burundi following the achievement of a comprehensive political settlement. In the absence of such a settlement, I am afraid that the convening of such a conference will have to wait. I am, however, continuing my consultations with Member States on this subject.

54. With respect to contingency planning, I remain convinced that the worst might yet occur in Burundi and that, consequently, the attention of the international community must continue to be focused on the development of the situation in that country. Although there does not yet seem to be sufficient political will for resolute preventive action, that does not rule out the possibility of a decision by the international community to act if a large-scale ethnic conflict breaks out. Such being the case, I see no alternative but to continue with contingency planning, while remaining deeply convinced that the international community will do its utmost to prevent another genocide.

55. The situation in eastern Zaire, which has steadily deteriorated since the incidents in Masisi in June 1996, is becoming particularly alarming because the violence now affects the entire province of Kivu. I am extremely worried by the recent charges and countercharges between Burundi, Rwanda and Zaire, which went so far as to implicate UNHCR and certain non-governmental organizations. That is why I twice dispatched to Zaire my Special Envoy, Mr. Ibrahima Fall. The recent incidents not far from the Burundi frontier, and the movements of Hutu refugees, which are becoming increasingly difficult to control, serve as a reminder to the international community that there are now all the ingredients present for a regionalization of a conflict that would engulf the entire Great Lakes region. It is more necessary than ever to convene the regional conference on peace, security and development of the Great Lakes region, which has been under discussion for several years. I sincerely hope that Member States will take a decision to that end without further delay.

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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN BURUNDI

Corrigendum

Page 2, paragraph 7

The second sentence should read

In its resolution 1072 (1996), the Security Council expressed its strong support for the efforts of regional leaders, including at their meeting in Arusha on 31 July 1996, of OAU and of former President Nyerere, to assist Burundi to overcome peacefully the grave crisis which it is undergoing, condemned the overthrow of the legitimate government and constitutional order in Burundi, and at the same time invited the parties to the conflict to lay down their weapons and to enter resolutely into serious negotiations for the restoration of peace.

Page 10, paragraph 49

Delete the third sentence.

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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN BURUNDI

Addendum

1. My report of 29 October 1996 to the Security Council (S/1996/887) on the situation in Burundi was prepared on the basis of information available to the Secretariat on 22 October 1996. The present document is in follow-up to paragraph 6 of the report, in which I announced my intention to issue an addendum shortly on developments in recent days.

2. The recent rebellion of the Banyamulenge in eastern Zaire has considerably changed the political situation in the Great Lakes Region. The extent of the resulting political, military and humanitarian crisis has naturally focused the international community's attention on eastern Zaire.

3. However, the developments in Zaire must not be permitted to make the serious situation in neighbouring Burundi, where civil war and ethnic conflict continue, become a secondary issue. For example, the Burundi refugees in the Zairian frontier town Uvira have chosen to move further westwards, towards central Zaire, rather than return to Burundi. So far, under 4,000 Burundi refugees out of the approximately 200,000 who took refuge in Uvira have returned to Burundi.

4. On 2 November, the President of Kenya invited me to take part in a regional summit meeting that is to take place in Nairobi on 5 November to consider how the situation is developing (a) in eastern Zaire and (b) in Burundi. Since it is impossible for me to leave Headquarters this week, I have requested my Special Representative for Burundi, Mr. Marc Faguy, to represent me at the summit meeting, where he will be accompanied by a representative of the United Nations High Commissioner for Refugees.

5. Today it is more important than ever that the international community do everything within its power to bring to an end a conflict that has already brought suffering to the people of Burundi for too long. The United Nations, for its part, will pursue its efforts to facilitate a return to peace and stability in Burundi and will continue to support the countries of the subregion in their action designed to bring the Burundi parties to the negotiating table.

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